

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE: Application of Darren Michael CAINE et al.

Serial No.: To be assigned

Art Unit:

Filing Date: Concurrently herewith

Examiner:

For: *Chemical Process and New  
Crystalline Form*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### INFORMATION DISCLOSURE STATEMENT

Applicants request that the references identified on Form PTO-1449 appended hereto be considered by the Examiner and officially made of record in accordance with the provisions of 37 CFR 1.97

- ☒ Copies of the references are enclosed  
☐ Copies of the references were submitted in parent application Serial No. \_\_\_\_\_,  
(37 CFR 1.98(d))  
☒ A copy of the International Search Report which issued on International Application No.  
PCT/GB2005/001241 is submitted herewith. All of the publications cited in the  
International Search Report are listed on the attached form PTO-1449 and Applicants understand  
that copies have been supplied to the U.S. Patent Office by the International Bureau.

- A. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing date of the above application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).
- OR
- ☐ The Information Disclosure Statement submitted herewith is being filed before the mailing of a first office action after the filing of a Request For Continued Examination under 37 C.F.R. 1.114 (37 C.F.R. 1.97(b)(4)).
- B. ☐ The Information Disclosure Statement transmitted herewith is being filed after three months of the filing date of the above application or the date of entry into the national stage as set forth in § 1.491 of an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last, but before the mailing date of either:
- (1) a final action under § 1.113 or
  - (2) a notice of allowance under § 1.311,
- whichever occurs first.
- ☐ Applicant hereby certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an Information Disclosure Statement under § 1.97(c) (\$180.00).

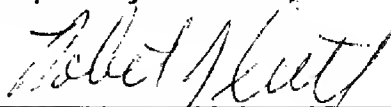
- C. ☐ The Information Disclosure Statement transmitted herewith is being filed **after** a final action under § 1.113, or a notice of allowance under § 1.311, whichever occurs first, but before the payment of the issue fee. Also enclosed is a copy of the International Search Report which issued on International Publication No.

In accordance with the requirements of 37 CFR 1.97(d):

- ☐ Applicant hereby certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. [or]
- ☐ Applicant hereby certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this statement; and
- ☐ The petition fee set forth in § 1.17(i)(1) (\$180.00) is submitted herewith.

- ☒ Please charge any required fees to Deposit Account No.07-1392.  
☐ A duplicate copy of this paper is attached.

Respectfully Submitted,



Robert J. Smith  
Attorney of Record  
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<b>FORM PTO-1449</b> <b>INFORMATION DISCLOSURE STATEMENT</b>				SERIAL NO.		To be assigned	
				FILING DATE		Concurrently herewith	
				APPLICANT		Darren Michael CAINE et al.	
				GROUP			
				EXAMINER			
				ATTORNEY DOCKET NO.		PB60817USw	
U.S. PATENT DOCUMENTS							
Examiner Initials		Patent Number	Issue Date	Name	Class	Subclass	Filing Date If Appropriate
/R.H./	1.	4353656	10/1982	SOHL et al.			
	2.	4778054	10/1988	NEWELL et al.			
	3.	4811731	03/1989	NEWELL et al.			
	4.	5495054	02/1996	GAO et al.			
	5.	5552438	09/1996	CHRISTENSEN, IV			
	6.	5590645	01/1997	DAVIES et al.			
	7.	5860419	01/1999	DAVIES et al.			
	8.	5873360	02/1999	DAVIES et al.			
	9.	6268533	07/2001	GAO et al.			
	10.	6321747	11/2001	DMITROVIC et al.			
	11.	6576793	06/2003	MORAN et al.			
/R.H./	12.	6632666	10/2003	BAUST et al.			
Continue on page _____							
FOREIGN PATENT DOCUMENTS							
		Document Number	Publication Date	Country	Class	Subclass	Translation Yes   No
/R.H./	13.	2064336	06/1981	GB			
	14.	069715	01/1983	EPO			
	15.	2129691	05/1984	GB			
	16.	2169265	07/1986	GB			
	17.	2178965	02/1987	GB			
	18.	2242134	09/1991	GB			
	19.	01/42193	06/2001	PCT			
	20.	03/042164	05/2003	PCT			
	21.	03/061743	07/2003	PCT			
	22.	2004/011416	02/2004	PCT			
	23.	04/024728	03/2004	PCT			
/R.H./	24.	2004/106279	12/2004	PCT			
Continue on page _____							
OTHER DOCUMENTS (Including Author, Title, Journal-Date, Page Number, Etc.)							
/R.H./	25.	CAIRA, "Crystalline polymorphism of organic compounds," <i>Topics in Current Chemistry</i> 198:163-208 (1998).					
/R.H./	26.	GOULD, "Salt Selection for basic Drugs," <i>International Journal of Pharmaceutics</i> 33(1/3):201-217 (1986).					
/R.H./	27.	HETT et al., 'Large-scale synthesis of enantio- and diastereomerically pure (R,R)-formoterol,' <i>Organic Process Research &amp; Development</i> 2(2):96-99 (Mar. 1998).					
/R.H./	28.	HONG et al., "cis-1-amino-2-indanol in asymmetric synthesis. Part I. A practical catalyst system for the enantioselective borane reduction of aromatic ketones," <i>Tetrahedron Letters</i> 35(36):6631-6634 (Sep. 1994).					
Continue on page _____							
EXAMINER /Raymond J. Henley III/					DATE CONSIDERED 04/19/2010		
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.							